



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-06  
**Specialist Prosecutor v.** Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor

**Date:** 18 November 2020

**Language:** English

**Classification:** Public

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Public redacted version of 'Second request to present additional supporting materials', filing KSC-BC-2020-06/F00012 dated 29 July 2020

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**Specialist Prosecutor**  
Jack Smith

**Counsel for Hashim Thaçi**  
David Hooper

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
David Young

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

1. On 24 April 2020, the Specialist Prosecutor's Office ('SPO') requested that the Pre-Trial Judge confirm an indictment against Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI ('Indictment').<sup>1</sup>
2. Together with the Indictment, and in accordance with Rule 86(3),<sup>2</sup> the SPO submitted certain supporting evidentiary materials.<sup>3</sup> The supporting materials included transcripts of an SPO interview with Hashim THAÇI conducted on 13-14 January 2020.<sup>4</sup> In that interview, Mr THAÇI, *inter alia*, (i) admitted to his presence at [REDACTED] at the time of the detention and mistreatment of [REDACTED]<sup>5</sup> (ii) admitted to having known that [REDACTED] were beaten,<sup>6</sup> and (iii) acknowledged a communique as having been issued on behalf of the KLA General Staff.<sup>7</sup>
3. Having been contacted by Mr THAÇI's counsel following publication of the fact of a submitted indictment against his client, the SPO conducted a further interview with Mr THAÇI on 13-16 July 2020. During the course of this interview, Mr THAÇI made a range of purported 'clarifications' to his earlier interview, and responded to further SPO questions. Amongst many other broad denials, Mr THAÇI claimed, *inter alia*, that: (i) there was no intelligence service in the KLA;<sup>8</sup> and (ii) neither the KLA General Staff nor the Provisional Government were ever functional, instead existing only on paper.<sup>9</sup> Mr THAÇI also provided an evolving account of his knowledge of events at [REDACTED], first claiming that he had only been aware of

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<sup>1</sup> Submission of Indictment for confirmation, KSC-BC-2020-06/F00002, 24 April 2020, Strictly Confidential and *Ex Parte* (with three annexes). Pursuant to the order of the Pre-Trial Judge, a revised indictment was filed on 24 July 2020 (KSC-BC-2020-06/F00011, Submission of revised Indictment for confirmation, 24 July 2020, Strictly Confidential and *Ex Parte*).

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

<sup>3</sup> See also Decision on Specialist Prosecutor's Request to Present Additional Supporting Material, KSC-BC-2020-06/F00007, 17 June 2020, Strictly Confidential and *Ex Parte* ('Decision on Additional Material').

<sup>4</sup> [REDACTED].

<sup>5</sup> [REDACTED], p.12.

<sup>6</sup> [REDACTED], pp.16-17; [REDACTED], pp.1-4.

<sup>7</sup> [REDACTED], p.10.

<sup>8</sup> [REDACTED], p.6; [REDACTED], p.3; [REDACTED], p.2 (claiming not to even know whether an intelligence component was part of the KLA organizational chart); [REDACTED], p.14.

<sup>9</sup> [REDACTED], pp.9-11; [REDACTED], p.6; [REDACTED], pp.5, 9; [REDACTED], pp.9, 13; [REDACTED], pp.8-9; [REDACTED], p.11; and [REDACTED], pp.1, 8.

an allegation of [REDACTED],<sup>10</sup> before subsequently asserting that he had not been informed of any harm to them,<sup>11</sup> and stating that in any event he discovered that nothing had happened to them.<sup>12</sup>

4. The facially implausible denials and representations now being made by Mr THAÇI - many of which are directly contradicted by evidence - should not be credited. Nonetheless, it is in the interests of justice for his statement to be provided to the Pre-Trial Judge for evaluation in light of the material previously submitted.

5. Consequently, pursuant to Rule 86(4)(a),<sup>13</sup> the SPO hereby requests permission to submit a small number of additional supporting materials, comprising: (i) transcripts of Mr THAÇI's SPO interviews from 13-16 July 2020;<sup>14</sup> and (ii) copies of documents discussed during that interview (to the extent not previously submitted).<sup>15</sup> These additional materials only recently became available,<sup>16</sup> are of limited scope and

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<sup>10</sup> [REDACTED], pp.9-17.

<sup>11</sup> [REDACTED], pp.15-17 and 20-21 (claiming that when he was told bad things were happening he associated that with bombing from Serbia, rather than being connected to [REDACTED]).

<sup>12</sup> [REDACTED], pp.16-17 (claiming what he had been told was happening was not in fact happening).

<sup>13</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

<sup>14</sup> [REDACTED].

<sup>15</sup> These documents are referred to in the interview as Exhibits 16-54. Some of them have already been submitted as supporting materials; only those not previously submitted are subject to this request. Exhibit 16: [REDACTED] and [REDACTED] (previously submitted); Exhibit 17: [REDACTED]; Exhibit 18: [REDACTED] (previously submitted); Exhibit 19: [REDACTED]; Exhibit 20: [REDACTED] (previously submitted); Exhibits 21 and 22: [REDACTED] and [REDACTED]; Exhibit 23: [REDACTED] at [REDACTED] (previously submitted) and [REDACTED]; Exhibits 24 and 25: [REDACTED] and [REDACTED] (previously submitted); Exhibit 26: [REDACTED] and [REDACTED]; Exhibits 27 and 28: [REDACTED] and [REDACTED]; Exhibit 29: [REDACTED]; Exhibit 30: [REDACTED] (previously submitted) and [REDACTED] (previously submitted); Exhibit 31: [REDACTED]; Exhibit 32: [REDACTED]; Exhibit 33: [REDACTED]; Exhibit 34: [REDACTED] (previously submitted); Exhibit 35: [REDACTED]; Exhibit 36: [REDACTED] (previously submitted); Exhibits 37 and 38: [REDACTED] and [REDACTED]; Exhibits 39 and 42: [REDACTED] (pages referenced: cover and [REDACTED])(previously submitted); Exhibit 40: [REDACTED]; Exhibit 41: [REDACTED]; Exhibit 43: [REDACTED] (previously submitted); Exhibit 44: [REDACTED]; Exhibits 45 and 46: [REDACTED] and [REDACTED]; Exhibit 47: [REDACTED]; Exhibit 48: [REDACTED]; Exhibit 49: [REDACTED]; Exhibit 50: [REDACTED]; Exhibit 51: [REDACTED]; Exhibit 52: [REDACTED] (SPO Translation; marker inadvertently omitted); Exhibit 53: [REDACTED]; Exhibit 54: [REDACTED].

<sup>16</sup> Decision on Additional Materials, KSC-BC-2020-06/F00007, para.8.

length,<sup>17</sup> and - comprising the further statement of one of the suspects - are of relevance to the charges.<sup>18</sup>

6. This filing is strictly confidential and *ex parte* in accordance with Rules 85(4) and 86(2).

**Word count: 912**



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**Jack Smith**

**Specialist Prosecutor**

Wednesday, 18 November 2020  
At The Hague, the Netherlands.

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<sup>17</sup> Decision on Additional Materials, KSC-BC-2020-06/F00007, para.7.

<sup>18</sup> Decision on Additional Materials, KSC-BC-2020-06/F00007, para.8.